

# IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. D – 1294 of 2025

[Khalid Abdul Maroof *versus* The Province of Sindh and others]

and

C. P. No. D – 1295 of 2025

[Aziz Ahmed Chandio *versus* The Province of Sindh and others]

**Present:**

**Mr. Muhammad Faisal Kamal Alam, J.**

**Mr. Jawad Akbar Sarwana, J.**

Date of hearing : 27.03.2025.

Petitioners : Khalid Abdul Maroof and Aziz Ahmed Chandio, through M/s. Malik Altaf Hussain and Zia ul Haq Makhdoom, Advocates along with Khurram Memon, Moin Khan Sandilo and Sibtain Muhammad Ali, Advocates.

Respondents : *Nemo.*

## **ORDER**

**Muhammad Faisal Kamal Alam, J:** Since identical issue is involved in both these Petitions, hence same are taken up together.

2. Learned counsel for the Petitioners argued that both Petitioners have challenged the Note Sheet dated 07.03.2025 [*at page-17*]. Contended that both Petitioners are Civil Servants and Petitioner-Khalid Abdul Maroof is now Assistant Commissioner, *whereas*, Petitioner-Aziz Ahmed Chandio is the Section Officer [LU], Board of Revenue; that due to certain complaints, the above Note Sheet dated 07.03.2025 is put up before the Chief Secretary Sindh and in Paragraphs-10 and 11, it is stated that material brought on record shows that certain Officers including both Petitioners are involved in misconduct and they should be proceeded under the Sindh Civil Servants (Efficiency and Disciplinary) Rules, 1973 [the “**E&D Rules**”]. Respondent-Chief Secretary Sindh has put an Additional Note of their removal from the current positions with directions to proceed under E&D Rules.

The Legal Team of the Petitioners states that the Petitioner-Abdul Aziz Chandio was not even associated in this Fact Findings Inquiry, which

is violative of Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973 [the “**Constitution**”]. Contended that the material collected was not confronted to both the Petitioners and in this regard both of them have moved Applications for provision of documents, complaint and statement of the witnesses [at page-45, Annexure ‘G’ of C. P. No. D – 1294 of 2025]. In support of their contentions, has cited the following case law\_

- i. 2020 P L C [C.S.] 1132  
[*Shaikh Ansar Aziz versus Federation of Pakistan Solangi*];
- ii. 2022 S C M R 745  
[*Usman Ghani versus Chief Post Master*];
- iii. 2023 S C M R 1135  
[*Raja Muhammad Shahid versus Inspector General of Police*]; and
- iv. 2025 S C M R 353  
[*The Director General, Intelligence Bureau Government of Pakistan and others versus Babar Ali Solangi*].

3. The crux of the above case law is that in all such inquiries, the Article 10-A of the Constitution should be followed; by giving fair opportunity to reply the Show Cause Notice, Statement of Allegation and hearing to the alleged delinquent Officer(s) before making any decision and failure to do so would be fatal for the Department.

4. Record perused.

5. Paragraphs-10 and 11 have made it clear that both Petitioners along with others will be proceeded under E&D Rules and if they are not, then Petitioners could question the same as per the Service Law. The Honourable Supreme Court in its well-known Judgment reported in the case of *Ali Azhar Khan Baloch and others versus Province of Sindh and others* [2015 S C M R 456], has clarified that terms and conditions of service cannot be agitated either in the Suit or Constitutional jurisdiction in view of the bar contained under Article 212 of the Constitution. Disciplinary Proceeding against a Civil Servant is part of term of employment and cannot be subject matter of a Writ Jurisdiction.

6. *Prima facie*, it appears that both these Petitions are filed with a pre-emptive motive and thus merit dismissal. However, with an observation that Respondents, if they decide to proceed further, will adhere to the Service Rules and Regulations so also Article 10-A of the Constitution as ruled in the afore-cited case law.

7. Petitions are dismissed along with all pending applications, but with no order as to costs.

**Judge**

**Judge**

**Karachi.**

**Dated: 27.03.2025.**

*Riaz / P.S.*

**Tagline**

**Pre-emptive motive. Constitutional Petitions dismissed.**